PECULIAR PERSONAL PROBLEMS OF MEN AND WOMEN

by

Moulana Ashraf Ali Thanvi (R.A.)



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(مردوں عورتوں کے مخصوص مسائل)

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MAULANA ASHRAF ALI THANVI

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In the Name of Allah, Most Gracious, Most Merciful

DESCRIPTION OF WUDU (ABLUTION)

Rule: Wudu is breached if anything comes out of urinal passage or anus; such as urine, 'mazi' (minor involuntary seminal discharge), semen, glutinuous liquid, worm or stone from bladder and profusion of rectum or wind—however small in quantity they might be. (Alamgiri Vol. I)

Rule: Wudu (ablution) is not breached if one fears passing of urine and keeps piece of cotton at the catheter or at the opening of the private part, then there is no harm, and in such a case Wudu (ablution) is not breached until urine appears on the surface of cotton. (Alamgiri Vol. I)

Rule: Wudu (ablution) is breached if on being touched by the opposite sex or just out of thinking, liquid comes out of vagina of a woman, and the liquid that comes out of sexual passion is called 'mazi'.

Rule: Sticky water that comes out of vagina of a woman is unclean and causes breach of Wudu (ablution). Though a few Muslim theologians go against this, but however, caution should be maintained.

Rule: If a drop of urine or 'mazi' (minor involuntary seminal discharge) comes out of the urinary organ but remains within the covering skin of the organ, even then the Wudu (ablution) is breached. Its coming out of the covering skin is not necessary for the breach of Wudu (ablution).

Rule: If a man's organ touches a woman's private part and no cloth etc. intervenes, then Wudu (ablution) is breached. Similarly if two women join their private parts, Wudu (ablution) is breached. But such an act is bad and sinful. In both cases, whether anything comes out or not, the same rule will apply.

Rule: If some part of the anus comes out then Wudu (ablution) is breached, whether it goes back of its own or is pushed back with the help of some stick, etc.

Rule: Both 'mazi' and 'wadii' cause breach of Wudu (ablution). Thick dust-coloured water which comes out after urina-nation is called 'wadii',

Rule: If after making Wudu (ablution), nails are clipped or dead skin of a wound is scratched, then Wudu (ablution) is not breached nor it is necessary to reach water again to those spots.

Rule: If after making Wudu (ablution) one touches one's private part, then Wudu (ablution) is not breached—whether the person is male or female.

RULES REGARDING BATH

Rule: During bath, it is obligatory for a woman to pass water into the outer skin of vagina, otherwise bath will remain invalid. In the same way if a man has not been circumcized, then water should be passed into the skin which is not cut off during circumcision.

Rule: Whether asleep or awake, if semen is discharged with excitement, bath becomes necessary—no matter whether the person is man or woman.

Rule: If upon awakening, semen is found on clothes or the body, then also bath becomes necessary, whether there had been a wet dream or not.

Warning: In exuberance of youth, the liquid which comes out of excitement and which enhance excitement instead of cooling it, is called madhi; and that which comes out after full enjoyment is called 'semen'. Moreover, 'madhi' is thinner, while semen is thicker. So only passing of the 'madhi' does not make bath necessary—but Wudu (ablution) is certainly breached.

Rule: If the top of the male organ (penis) enters vagina and becomes invisible, bath becomes necessary for both, whether semen is discharged or not, Insertion of penis into back organ also makes bath necessary. But it is a major sin to do so in the back organ.

Rule: If the top of the male organ has undergone incision, the organ upto the length of the top makes bath necessary, whether semen is discharged or not.

Rule: If the male organ is inserted into the private part of an animal or a dead person or a minor girl who is not fit for sexual intercourse, then bath will not be necessary without discharge of semen. (Alamgiri)

Rule: The blood which comes out of the vagina of a woman every month, is called 'menses'. When menses stops, bath becomes obligatory. The blood which comes out after child-birth is called 'nifas'. When it (nifas) stops, then also bath becomes obligatory. In short, four cases make bath obligatory—(1) Seminal discharge with excitement (2) Insertion of the top of the male organ and when (3) menses and (4) nifas (after-birth discharge) stop.

Rule: If a man indulges in sexual intercourse with a minor girl who has not yet attained her puberty, bath is not necessary for her, but in order to make her used to take bath, she may be made to take bath.

Rule: If during sleep, a woman dreams of having sexual intercourse with a man or a man dreamt of having sexual intercourse with a woman and also had a taste of it, but on waking up found no seminal discharge, then bath is not necessary. But in case of seminal discharge, bath becomes compulsory. Moreover, if (on waking up), one finds his or her clothes or body a little wet, but thinks it to be 'madhi' and not semen, then also bath is compulsory—whether man or woman.

Rule: If after bath, semen of the husband comes out of the vagina of the woman, the bath remains valid; repetition of bath is not necessary.

Rule: If after a little seminal discharge, a woman takes bath but after taking bath, a little more semen comes out, then repetition of bath is compulsory. It should be considered at this point that if semen is discharged with excitement and in such a

case some quantity of the semen comes out and the rest remains inside and comes after birth, only then repetition of bath becomes compulsory. But if after taking bath, fresh semen comes out without excitement, then repetition of bath is not compulsory. This is the rule for the compulsory repetition of bath but since it is difficult to know that the semen coming out without excitement is former or fresh, so the Muslim Jurists taking recourse to their authority has decided that the semen which comes out before walking forty or fifty steps or before sleeping and before passing urine, belongs to former state and so one should repeat the bath; but if semen comes out after a lot of walking or after sleeping or after passing urine without any excitement, then the semen is fresh, and if it comes out again, repetition of bath is not compulsory.

Rule: If on account of some illness or loadings or falling from a raised spot, semen comes out without excitement, then the semen is fresh and so repetition of bath is not compulsory but Wudu (ablution) will certainly become invalid.

Rule: If husband and wife were sleeping on the same bad and on waking up found certain stains of semen on clothes but neither of them remembers to have a wet-dream, precaution demands that both should take a bath because nobody knows as to whose semen is this.

Rule: If a non-believer accepts Islam, then it is desirable for him or her to take a bath. But if during the state of infidelity he or she had made bath obligatory for him or her and had not taken a bath or had taken a bath but not according to religious code, then the bath is obligatory for him or her.

Rule: One who gives bath to a dead body, it is desirable for him to take a bath.

Rule: If one, for whom bath has become compulsory, wants to eat and drink something before taking a bath, then he or she should first wash his or her hands and mouth and rinse the

mouth. If one eats or drinks without doing so, he or she is not supposed to have committed any sin.

Rule: One who needs a bath, is forbidden from touching or reciting the Holy Qur'an or entering a mosque.

Rule: If the semen is discharged with excitement but the person stops its release by putting finger etc. on the hole and the semen comes out when excitement is over, then also bath becomes obligatory.

Rule: If any man's circumcision has not been done and his semen comes out but sticks in the superfluous skin which is cut-off in circumcision, then bath will become obligatory for him.

Rule: If a man has undergone castration and he enters the top of his penis into the vagina of a woman, then also bath will become obligatory for both of them.

Rule: If anyone is suffering from spermation and semen continues to come out, bath is not obligatory for him. But if the sufferer has a seminal discharge with excitement, then bath will become obligatory.

Rule: If a man enters his penis into the navel or thigh of a woman or man and semen is not discharged, then bath will not be obligatory.

Rule: If a man or a woman has a wet dream, but on waking up has no trace of wetness or semen, then bath is not compulsory, even if there was taste of discharge in dream.

Rule: If a woman puts medicine in her vagina or makes anybody else to do so, bath is not obligatory for her.

Rule: One who needs a bath, touching of the Holy Quran or reciting it or entering a mosque is not forbidden for him; but reciting of Allah's name and 'Kalimah' (word of Allah) and Darood (blessings upon the Holy Prophet—Sallallahu alaihi wa Sallam) is valid—and other such 'rules' will Insha-Allah (Allah-willing) be described in the chapter on 'menses'.

Rule: To touch "Books of Commentaries" (on the Holy Qur'an) without Wudu (ablution) is disapproved; and to touch the Holy Qur'an with translation is quite prohibited.

Rule: If anyone has slept on such a bed which had semen in dried form and the bed became wet due to his or her sweat, then if the wet bed does not leave any trace on his or her body, he or she is not unclean.

But if wetness of the bed leaves its trace on the body, then the body will become unclean and its cleaning becomes compulsory.

Rule: After passing urine or stool, Istinja (cleaning the private parts after natural evacuation) with clod of earth is enough, provided the pollution is not spread to the sides of the organ. If it has spread to the sides of the organ, it is essential to clean it with water as well; and if the pollution has spread upto one 'dirham' (small silver coin) Istinja (cleaning the private parts after natural evacuation) is compulsory.

Rule: The method of performing 'Istinja' after passing urine is that one should hold his penis with the left hand and take clod of earth in his right hand and make it dry till the period one is quite satisfied that drops of urine were no longer to come out; and according to some others, one should perform 'Istinja' by walking a few steps or by wrapping his right leg with the left leg so that any drop, if left stuck, should come out. In short, if one is satisfied that the pollution inside the hole has come out, 'Istinja' becomes proper. After this, cleaning also with water is better. If urine has spread over the top of the penis, it is compulsory to get it washed.

Rule: If after passing urine, one performed 'Istinja' with clod of earth, and not with water and while making Wudu (ablution) one did not remember to perform 'Istinja' with water and did remember after making 'Wudu' that he had not performed 'Istinja' with water then he should perform 'Istinja' (with water) as and when he recalls it. In case, one recalls

during prayer that he has not performed 'Istinja' with water, and if he thinks that pollution over the top of the penis was not upto the size of a 'dirham', then he should offer prayer and that prayer will be quite valid. But if he is sure that the pollution was spread over the top of the penis, then he should perform 'Istinja' after breaking his prayer. Similarly, if one recollects after offering prayer that he had not performed 'Istinja' with water, then, if he is sure that the pollution had spread about the size of one 'dirham' then he should again perform. 'Istinja' and repeat his prayer. But if he is sure that what to speak of a 'dirham' the pollution would have hardly spread upto the size of a grain of rice or two, repetition of prayer is not at all necessary.

Rule: A woman suffering from 'Istehazah' (prolonged morbid menstruation) should compulsorily perform 'Istinja' for every prayer.

Rule: If someone suffers from Bright's disease (liquid coming from the private part by drops), then the person should perform 'Istinja' at the time of offering every prayer and washing of the portion of the clothes which is supposed to be affected from the 'drops' is compulsory or that 'tahband' (sheet meant to cover lower part of the body) or trousers should be changed.

Rule: If anybody's left hand is crippled or cut off and there is none to pour water, then 'Istinja' with water is not necessary, only clod of earth is enough; and if he has control over the running water, he should perform 'Istinja' with the right hand. (Alamgiri Vol. I)

Rule: If a patient has no wife or maid-servant and has a son or brother, then in case of his being unable to perform 'Wudu' then he can perform Wudu with the help of his son or brother. But 'Istinja' can not be performed with the help of others, because none else can touch the penis of others. So 'Istinja' will become null and void for him. In the same way, if a female patient has no husband, her daughter or sister can help

her perform 'Wudu', but they also should not help in performing 'Istinja' because they can not touch private part. So 'Istinja' is null and void for that woman as well.

Rule: One should perform 'Istinja' with one clod of earth only once, but in case the clod is so big that 'Istinja' may be performed once with one side and again with another side, then it is allowed. The used part of the clod should not be used again.

Rule: It is disapproved to pass urine in standing position or lying state or after being naked. If there is no way out, there is no harm.

THINGS WHICH DO NOT BREAK FAST AND WHICH BREAK IT AND REQUIRE BOTH COMPULSORY FAST AND RECOMPENSATION

Rule: If anybody sleeps in the day and has a dream which necessitates a bath, then the fast will not be breached.

Rule: If husband and wife lie together, touch each other and embrace each other, it is permissible in a fast. But if these acts excite passion so much that there is fear of sexual intercourse then one should avoid such acts. It is execrable to do so.

Rule: If bath becomes essential in the night, but one did not take a bath in the night, rather took bath on the day following then the fast remains valid. The fast remains valid even if one does not take bath the whole day following. But he will become a sinner for remaining unclean and for not offering the prayer.

Rule: If one indulges in sexual intercourse during fast, then the fast will be breached, and both compensatory fast and recompensation become due in such a case. The fast is also broken when the top of the male organ enters the vagina, then both compensatory fast and recompensation become due, irrespective of the fact whether semen is discharged or not.

(Alamgiri)

Rule: If a person observing fast rubs his organ of sex or makes others to do so or cause it to move by others and semen is

discharged, then the fast will be broken and compensatory fast will be due. (Alamgiri)

Rule: If one rubs his sexual organ with a dead-body or an animal and semen is discharged, then compensatory fast will be compulsory but recompensation will not be due.

Rule: If a man commits sexual intercourse with a sleeping woman or in a state of her unconsciousness, then the fast of the woman is lost and compensatory fast becomes due; but the man (who committed sexual intercourse) is responsible both for the compensatory fast and recompensation as well.

Rule: If someone committed sexual intercourse forcibly with a woman, then the woman is liable to compensatory fast and not recompensation, but the man is responsible for both. But in case she was disagreed at the beginning but agreed before discharge of semen, then she also is responsible both for compensatory fast and recompensation.

Rule: If a man was sleeping and someone rubbed his sex organ which resulted in seminal discharge, then the fast was not disrupted. (Alamgiri)

Rule: If anyone kissed his wife or slave-girl and semen was discharged, then the fast was disrupted. In such a case compensatory fast is essential but recompensation is not due. (Alamgiri)

Rule: If anyone kissed an animal and it caused discharge of semen, then fast was not disrupted.

Rule: If anyone rubbed a woman above the clothe and it caused discharge of semen, then the fast will be disrupted if the heat of her body was felt.

Rule: If the vagina of an animal is rubbed with hand and it causes seminal discharge, then the fast will not be disrupted. (Alamgiri)

Rule: If anyone looks the face or the vagina of a woman again and again or only once and it causes seminal discharge,

then the fast is not disrupted. Similarly, if semen is discharged out of imagination then also the fast is not disrupted.

Rule: If a woman rubs the penis of her husband and semen is discharged; then the fast remains intact. But if the husband asked his wife to do so, then his fast is disrupted

(Alamgiri Vol. I)

Rule: If anyone commits sexual intercourse with an animal or a dead-body or committed sexual intercourse outside the vagina and it caused no seminal discharge, then the fast is not disrupted. But if there is seminal discharge in such conditions, then the fast will be disrupted and a compensatory fast will be due on him, but recompensation will not be due.

Rule: If seminal discharge is caused on account of looking anybody committing sexual intercourse or on seeing anybody's sexual organ or on mere imagination, then the fast is not disrupted, only a bath will be due.

Rule: If two women rub their sexual organs together and seminal discharge is caused to both of them, then the fasts of the both women are disrupted. In such a case compensatory fast is due and not any recompensation.

Rule: If anyone enters his penis (into vagina) before dawn and pulls out as he is informed of the sunrise but the semen is discharged with the sunrise, then neither the fast is broken nor any compensatory fast became due. In the same way, if anyone enters his penis (into vagina) in forgetfulness or enters before the dawn and hurriedly pulls out on recollection or on information about sunrise, then the fast is not disrupted. But if after recollection or in spite of being informed about the sunrise, pushed his penis a little more (inside the vagina) or remained as it is and did not pull out, then his fast became disrupted and he is liable to both compensatory fast and recompensation. (Alamgiri)

Rule: If anybody observing fast knowingly inserts the top of his penis (into vagina or anus) then both compensatory fast and recompensation becomes due on both of them, whether

semen is discharged or not. But if the woman was not agreed upto the last, then only a compensatory fast is due on her and not any recompensation. But if the woman was disagreed in the beginning but agreed in the due course, then she also is liable to both (i.e. compensatory fast and recompensation). (If the woman lets her body loose and allowed to be used at will, then this also will be taken as agreement).

Rule: If due to wet-dream or on seeing a beautiful woman or on touching the vagina of an animal or out of imagination, seminal discharge is caused and he thought that his 'semen' was breached and so he ate anything, then only a compensatory fast and not a recompensation is due.

Rule: If anyone inserts his finger in his anus or any woman does so into her vagina, then the fast will not be breached. But if the finger is wet with oil or water, then the fast will be breached and a compensatory fast will be due and not the recompensation.

Rule: It is not proper for a woman to put any medicine or oil etc. into her vagina. If anybody does so, then the fast is breached and a compensatory fast is due and not any recompensation.

Rule: If out of need, a midwife inserts her finger into the vagina of any woman or the woman herself inserts her finger into her own vagina and after pulling out a part or whole of the finger, inserted it again, then the fast in disrupted, but recompensation is not due. But if the finger after being pulled out, is not inserted again, then the fast is not disrupted. But if the finger was wet with water or oil, then the fast is disrupted at the very first insertion of finger (into vagina).

Rule: If a man pour some medicine into his penis or does so with a syringe, then the fast is not disrupted, provided the liquid poured inside the penis does not reach the bladder.

(Alamgiri Vol. I)

Rule: If a person performs enema with oil or reach oil inside his nose or pours it into his ears, then his fast is disrupted, but expiation is not due. If the person himself does not perform enema but anybody else does so with him, then also his fast it disrupted, and expiation is not due. (Alamgiri Vol. I)

CONDITIONS UNDER WHICH ONE IS EXEMPTED FROM DESERVING 'SAUM' (FAST)

Rule: If menses starts or a child is born to a woman, and after-birth discharge is started, then it is not proper for her to observe 'Saum' (fast) during the period of menses and after-birth discharge.

Rule: If a woman becomes clean in the night, then she must not give up 'Saum' in the morning. In case she does not take bath in the night, even then she should keep a 'Saum' and take bath in the morning. But if she becomes clean after sun-rise, then intent for 'Saum' is not proper. But it is also improper to eat and drink anything. One should pass the day like a 'Saum'—observing person.

ABOUT 'HAIZ' (MENSES) AND ISTEHADA (PROLONGED MORBID MENSTRUATION)

Rule: The blood which usually comes every month from the vagina of a woman is called Haiz (menses).(Hidaya 62/Vol. I)

Rule: The least duration of menses is three days and three nights and the maximum is ten days and ten nights. So if one has menses for less than three days and three nights, then it is not menses, rather it is 'Istehada'. It has happened due to some disease. If the blood has come for more than ten days and ten nights, so the days other than ten, will be included in 'Istehada'.

(Hidaya 62/Vol. I)

Rule: In case it (the blood) comes for three days, but it stops before the third night is passed; for example, if it starts from the morning of Friday and stops by the sun-set, then also it is not menses, rather it is 'Istehada'. In short, if it is even a little less than three days and nights, it is not at all 'menses'. For

instance, if the blood starts from the morning of Friday at the sun-rise, and it stops on Sunday, a little before the sun-rise, then it is not menses, rather it is 'Istehada'. (Shami 393/Vol. I)

Rule: During the period of menses, the blood in red, yellow, green, 'khaki' that is dust-coloured, or in whatever colour it comes, it is menses, unless the sanitary towel remains white. And when it looks white as it was kept, then she (the woman) became clean from the menses.

(Dur-e-Mukhtar 297/Vol. I)

Rule: Nobody has menses before nine and after fifty-five years of age. Therefore, the blood which comes to a minor girl less than nine years old is not menses, rather it is 'Istehada'. In case the blood comes after fifty-five years, and if it is too reddish or black, then it is menses, but the yellow or green or dust-coloured is not menses, rather it is 'Istehada'. But if this woman had yellow or green or dust-coloured blood before this age, then even after fifty-five years it will be taken as menses. But if it is against the habit, then it is not menses but 'Istehada'.

(Alamgiri 32/Vol. I)

Rule: If one had blood for three or four days, but in some month it came for more days but not more than ten days, then it is all menses. But if it exceeded more than ten days, then it is 'Istehada' for the days more than what it used to come habitually. For example, if it habitually comes to one for three days, but in some month it came for nine or ten days, then it is all menses. But if it exceeds even a little more than ten days and nights, then only three days are those of menses and the rest are those of 'Istehada'. One has to offer compensatory 'Namaz' (prayer) for those days.

Rule: If a woman who has no fixed habit i.e. blood comes to her sometimes for four days and sometimes for seven days and it so often changes like that and sometimes it comes for ten days as well, then it is all menses. If blood comes to such a woman for more than ten days and nights, then it is to be noted

as for how many days it came in the previous months. Now it is menses for the days formerly fixed for the same and it is 'Istehada' for the rest of the days. (Shami 293/Vol.I)

Rule: If someone always had menses for four days, but in some month it came for five days and came for fifteen days in the next month, then out of these fifteen days, five days will be counted as those of menses and the rest ten days as those of 'Istehada'. In such a case, former habit will not come under consideration and it will be supposed that the habit is now changed to five-day cycle. (Shami 309/Vol. I)

Rule: One had blood for more than ten days, but she does not remember her former habit as for how many days it had come in the previous month, then the rule for it is so delicate that it is not very easy to understand and it seldom happens so. Therefore, I leave out its description. If one needs it, she should consult some renowned scholar and not any ordinary 'moulvi'.

(Shami, Dur-e-Mukhtar, Hidaya 66/Vol. I)

Rule: If a girl had first experience of such a blood, then if it is for ten or a little less than ten days, then it is all menses; and if it comes for more than ten days, then it is menses for ten days and for the rest of the days it is 'Istehada'.

Rule: The least duration of cleanliness between two menses is a fortnight and for the most there is no limit. So if menses stops to anyone for any reason, she will remain clean for the months menses does not come.

Rule: If someone has blood for three days and nights, then she remains clean for a fortnight, then again blood comes for three days and nights, then the blood before and after the fortnight will be taken that of menses and the fortnight in between, will be taken as the period of cleanliness.

Rule: If anyone has blood for a day or two and then remains clean for a fortnight, and the blood comes again for a day or two, then the period in between is that of cleanliness. The

blood which comes of a day or two before or after (the period of cleanliness) is not that of menses, but of 'Istehada'.

Rule: If one has blood for a day or for a few days and then remains clean for less than a fortnight, this is not at all reliable. In such a case it will be taken as if the blood remained continuing for the whole period. So the period habitually fixed for menses will be counted as those of menses but the rest will be taken as those of 'Istehada'. For example, if someone usually has menses by the first, second or third of every month, but in some month it happens that the blood comes on the first, and she remains clean for fourteen days and has blood once again for one day only, then it be taken as if the blood remained continuing for the whole period of sixteen days. Out of these days, the period of three days passed earlier will be taken as the days of menses and the rest of the thirteen days are those of 'Istehada'. If the fourth, fifth or sixth of every month are the dates of menses by habit, then these dates will come under the period of menses; and the three days passed earlier and the ten days passed later are those of 'Istehada'. But in case she has no fixed habit, then the ten days will be taken as those of menses and the rest of the six days as those of 'Istehada'.

(Shami 289/Vol. I)

Rule: The blood which comes during the period of conception is also not that of menses but it will come under 'Istehada', no matter how many days it comes for.

(Shami 289/Vol. I)

Rule: The blood which comes at the time of child-birth, before the child comes out, is also that of 'Istehada'. In fact, that blood is also that of 'Istehada' which comes till the child comes out more than half. (Hidaya 63/Vol. I)

ABOUT MENSES

Rule: It is not proper to offer 'Salat or observe Saum' during the period of menses. But while one is exempted from offering Salat during this period and compensatory 'Salat' is not

due, 'Saum' is not excusable. One has to observe compensatory 'Saum' after being clean. (Hidaya 63/Vol. I)

Rule: If menses starts during 'Fard (obligatory) Salat' then that Salat is also excused. One is not to offer compensatory Salat after being clean. But if the menses starts during 'Nafl' or 'Sunnah' Salat, then one has to offer compensatary 'Namaz' for that. If the menses starts after observing Saum for half a day, then that 'Saum' is breached, and one has to observe compensatory 'Saum' for that. If the menses starts during the 'Nafl Saum' then compensatory 'Saum' for that is also due.

(Hidaya 62/Vol. I)

Rule: If menses comes at a time when there is very little time left for offering Salat then also Salat is excused.

(Shami 300/Vol. I)

Rule: It is not proper for one to indulge in sexual intercourse with one's husband, but to lie down with the husband or eating and drinking with him is allowed.

(Dur-e-Mukhtar 194/Vol. I)

Rule: If one habitually has menses for five or more days and the blood also came exactly for that period and then stopped, then sexual intercourse is not permissible unless she takes bath. If she does not take bath then she can have sexual intercourse after the period of one compensatory Salat is over.

(Hidaya 64/Vol. I)

Rule: If one has a habit of five days, but the menses stopped after four days, then she should compulsorily offer Salat after taking bath. But one is not allowed to get indulged in sexual intercourse before five days are completed, because there is not chance for the menses to come.

Rule: If the menses comes the whole ten days and nights, then sexual intercourse is proper only after menses is stopped, whether she has taken bath or not. (Hidaya 64/Vol. I)

Rule: If the blood stops after a day or two, then bath is not compulsory; one can offer Salat after performing Wudu, but

sexual intercourse is not yet allowed. So, if menses starts before a fortnight is over, then it will be known that the period was that of menses. In such a case, the period by calculation should be taken as that of menses. Now one should offer Salat after taking bath. But if the entire fortnight in between is over without bleeding, then it will be considered as 'Istehada'. So the Salats that were left off because of bleeding for a day or two, will now be offered in the compensatory form. (Hidaya)

Rule: If the menses habitually comes for three days, but it so happens that in a certain month, bleeding does not stop, then one should neither take bath nor offer Salat. If bleeding stops after full ten days and nights or less than that period, then Salat for those days are excused and no compensatory Salat is to be offered; and it will be taken as if the habit is now changed and so all these days will come under the period of menses. If it bleeds for the eleventh day too, then only three days will come under the account of menses and the rest will be counted as 'Istehada'. Now one should take bath on the eleventh day and offer compensatory Salat for seven days and should continue Salat without a break.

Rule: If the menses came for less than ten days and it stopped when the time for offering Salat is so little that even if she hastily takes bath she can hardly say Allahu Akbar only once and make intent (niy-yah) for Salat and nothing else, then also the Salat of that time becomes due and one has to offer compensatory Salat. But in case of a lesser time than this, the Salat is excused and no compensatory Salat will be due.

(Shami 302/Vol. I)

Rule: If the menses comes for full ten days and nights and bleeding stopped at a time that nothing other than Allahu Akbar can be uttered and also she does not have time for a bath too, then also Salat becomes compulsory and one has to offer compensatory Salat.

Rule: If one becomes clean in the day during the month of Ramadan, then after being clean, eating and drinking is not proper. One should compulsorily live like the observers of 'Saum'. But the day will not be counted in 'Saum', rather compensatory 'Saum' for the day will have to be observed.

(Hidaya 207/Vol. I)

Rule: If one has become clean after ten days of menses, then if the part of the night left is so little that Allahu Akbar can be said only once, then also the 'Saum' for the day following is compulsory. In case the part of night left was enough for taking bath but did not do so, then she should not break her 'Saum', rather she should make 'niy-yah' (intent) for the 'Saum' and take bath in the morning. But if the part of night left is so little that one can not even take bath, then the 'Saum' of the next morning is not valid. But eating and drinking in the morning is also not proper. One should pass her day like an observer of 'Saum' and observe compulsory 'Saum' later on.

(Dur-e-Mukhtar 205/Vol. I)

Rule: Menses starts by the time the blood comes upto the outer skin (of vagina). It makes no difference whether it comes out of the outer skin or not. If one keeps cotton pad etc. inside vagina so that blood does not come out of vagina; then, it will not be taken as menses. Till the blood remains inside and the cotton pad is not stained, it will not be taken as menses. If the blood stain appears on the outer skin of vagina or on the cotton pad, then the menses will be considered as started.

Rule: If a clean woman keeps pad inside her vagina in the night and finds blood-stain on it in the morning, then the period of menses will be counted from the time the blood stain has come to knowledge. (Dur-e-Mukhtar 154/Vol. I)

ABOUT ISTEHADA (PROLONGED MORBID MENSTRUATION)

Rule: Istehada is like bleeding at the nose without a break: Such a woman should offer 'Salat' and observe 'Saum'. No

compensatory prayer is necessary in such a case; and sexual intercourse with such a woman is quite right.

Note : Istehada has the orders of the disabled and the excused.

ABOUT NIFAS (AFTER-BIRTH DISCHARGE) AND HAIZ (MENSES)

Rule: A woman who is passing from the period of menses or 'Nifas' and has bath compulsory for her, it is not permissible for her to enter a mosque, circumambulate the Kalimah, recite the Holy Qur'an or touch it. But if the Holy Qur'an is put in a case or wrapped in a bag of cloth which is not stitched with the cover and that can easily be put off then it is permissible to touch or lift the Holy Qur'an.

Rule: One who is without Wudu (ablution) should not touch the Holy Qur'an; but, of course, it can be orally recited.

(Hidaya 64/Vol. I)

Rule: The coins or saucer of amulet having verses of the Holy Qur'an written on it should also not be touched. But if these articles are kept in a bag or vessel, then these containers may be touched and lifted.

Rule: To hold or lift the Holy Qur'an with the skirt of shirt and corner of 'dupatta' (sheet worn loosely over shoulder) is not proper. But if there is some clothe detached from the body like handkerchief, towel etc.; they can be used for holding and lifting the Holy Qur'an.

Rule: If (during the period of menses or Nifas) on recites not the whole of a verse or just a word of a verse or half of a verse, it is proper. But this half of a verse should not be as big as some small a verse. (Hidaya 64/Vol. I, Shami 303/Vol. I)

Rule: If Surah Al-Fatihah or Al-Hamd as a whole to be recited with the intention of Du'a (invocation) or other invocations from the Holy Qur'an are recited with the intention of invocation only and not with an intention of recitation, then it is permissible. It is not a sin. The following invocation; for example:

(INVOCATION IN ARABIC)

Rab-bana aataina fid-dunya hasanatanw wa fil akhirate hasanatanw wa Q'ena Adhabannar.

and the following invocation:

Rabbana la tu akhidhna innasina aw akhtana

upto the last written at the end of Surah Baqara or any other invocation that has occurred in the Holy Qur'an can be recited with the intention of invocation. (Shami 302/Vol. I)

Rule: Recitation of Dua-e-Qunut is also permissible (in such a condition). (Alamgiri 24/Vol. I)

Rule: If a woman gives lessons in the Holy Qur'an to others, then (in such a condition) she can only teach them the spellings of words, but while teaching fluently one should not recite the whole verse, but should break the breath after a word or two and teach fluency in parts. (Alamgiri 24/Vol. I)

Rule: To recite Kalimah (word) or Darood or to call out the name of Allah or to recite 'Istighfar' or Incantation (Wazifah) for instance,

La haula wala quwwata illa billahil ali-ul azeem

is not prohibited.

Rule: During the period of menses, it is appreciable to perform Wudu and recite the name of Allah at some clean spot so that the habit of Salat may not be broken and she may not feel disgusted after being clean. (Alamgiri 23/Vol. I)

Rule: If one had a need for taking bath but the menses started before she could take bath, then bathing is not compulsory for her. She should rather take bath after being clean from the menses. Only one bath is enough for both of them.

(Qazi Khan 27/Vol. I)

ABOUT CLEANING OF THE POLLUTION

Rule: If the semen in the clothe dries up, then it will be clean only after the semen is being scratched, but the wet semen requires washing. But if one had not performed 'Istinja' (cleaning after a natural evacuation) and the semen is discharged

in the meanwhile, then only rubbing will not be enough, rather washing would be necessary. (Alamgiri 27/Vol. I)

ABOUT SALAT

Rule: If one is giving birth to a child but only a small portion of the child has appeared, then also it is Fard (obligatory) to offer Salat, provided she is conscious. To give up Salat is not proper. But if offering of Salat endangers the life of the child, then she is allowed to give up Salat. In the same way, if the mid-wife thinks that offering of Salat on her part may harm the child to be born, then she also can give up the Salat. But all of them should offer compensatory Salat as soon as possible. (Dur-e-Mukhtar 308/Vol. I)

ABOUT ATTAINING PUBERTY

Rule: When a girl gets menses started or though menses has not started, but she becomes pregnant or though she has not been pregnant, but she commits sexual intercourse in dream and had a seminal discharge as well as taste of sexual intercourse—then in all these three states of affairs she attains puberty. 'Saum' and all other orders of 'Shari'ah' (Code of Islam) will be applied on her. In case, she has not yet experienced any one of the three things mentioned above but has now become fifteen years old, then also she becomes young (or attains puberty) and she will come under the laws which are applied on a young girl.

Rule: In Shari'ah, to become young means to attain puberty. No woman (girl) can become young before nine. Even if she starts bleeding (before nine) she cannot be taken as young. The blood which comes before nine is not menses but 'Istehada'—and orders of Shari'ah have already been mentioned in this regard.

ABOUT BURIAL RITES

Rule: If abortion is caused and if the child born has not developed limbs like mouth, nose etc., then without giving bath and shroud, it should be wrapped in a piece of cloth and be

buried into a pit dug for the purpose. In case, the new-born child has developed some limbs, then it will come under the order of the child born dead. Now it should be named and given bath, but it be given no shroud nor any Salat-Janazah (funeral prayer) should be offered. It should be buried after having wrapped in a piece of cloth. (Dur-e-Mukhtar 904/Vol. I)

Rule: During the process of birth, if only the head of the child appears and the child is dead, then it will come under the rules of a dead child. But if the child is dead after a major portion came out, it will be considered to be born alive. If the child is born from the side of head, then if the child is born upto its chest, it will be considered that the major portion is out; and if it came out with the reversed side, it should be out upto its navel. (Shami 927/Vol. I)

ABOUT PEOPLE WITH WHOM MATRIMONY IS PROHIBITED

Rule: If a man commits adultery with a woman, then it is not permissible for him to marry her mother or her daughters.

Rule: If a woman, out of sexual passion and with evil intent commits sexual intercourse with a man, then it is not permissible for the mother or daughters of that woman to marry that man. In the same way, the man who commited sexual intercourse with a woman, became prohibited for her mother and daughters.

Rule: If a man gets up in the night to waken his wife but commits sexual intercourse with his daughter or mother-in-law by mistake, but with sexual passion taking her to be his wife, then that man becomes prohibited for his own wife for ever. Now there is no way out to make her valid for him and hence divorce becomes necessary.

Rule: If a boy commits sexual intercourse with his step-mother with bad intent, then woman became prohibited for her husband. Now she can in no way become valid for him. And if

the step-mother does so with her step-son, then the same rule will apply.

Rule: If a woman who has no husband, becomes pregnant by adultery, her matrimony is also proper. But to indulge in sexual intercourse before the birth of the child is not proper. But if she performs matrimony with the same person who had committed adultery with her, then sexual intercourse with him is also permissible.

ABOUT GUARDIAN

Rule: After being informed of matrimony, when it is necessary to approve it with tongue, she did not do so, but when her husband met her she did not refuse sexual intercourse with him, then also the matrimony became proper.

Rule: If the matrimony of a girl (who has not yet attained her puberty) is being performed with someone by anyone other than her father and grandfather, and the girl was well-informed about her matrimony; and she attained her puberty and remained without sexual intercourse with her husband as yet; then if she expresses her disapproval just at the time of attaining puberty and says that she does not want to keep this matrimony and even if none is present there, her matrimony will not break unless she does not go to a religious authority and he makes her matrimony break. But if after attaining puberty she remains silent even for a moment, then she will forfeit her right of breaking her matrimony. But if she was not informed of her matrimony, then she should express her disapproval just at the moment she attains puberty, otherwise her right to break her matrimony will be forfeited.

Rule: If one attains her puberty after sexual intercourse by her husband, then refusal is not necessary just after reaching puberty, rather one has a right to accept or reject till her inclination be comes clear; no matter how much time is passed. But if she tells in clear words that she does approve of the relation or any indication regarding approval is found such as

her living with her husband in privacy like 'husband and wife' then her right to refuse her matrimony is forfeited and matrimony becomes inevitable.

ABOUT MAIH'R (MONEY SETTLED UPON THE WIFE)

Rule: If one got fixed rupees ten or twenty or a hundred or something according to his monetary position, as 'Maih'r' and brought his wife home and indulged in sexual intercourse with her or did not do so, but both the husband and wife lived together in such a place where there was nothing to stop him from committing sexual intercourse, then the entire 'Maih'r' fixed, has to be paid. And if nothing happened as mentioned above and in such a state the husband or the wife died, then also the entire amount of 'Maih'r' will have to be paid. And in case, no sexual relation got established nor there was a chance for the same and the husband divorced his wife, then half of the amount of 'Maih'r' will have to be paid. In short, the husband and wife had such a privacy as mentioned above or any one of them died, then the whole Maih'r became compulsory. But if divorce took place before such a privacy as mentioned above came to them, then half of the Maih'r became compulsory.

Rule: If one of the two (husband or wife) was sick or was in a state of 'Saum' (fasting) of Ramadhan or was donning 'Ehram' (pilgrim's robe during Hajj) or the wife had menses or anybody would peep into the enclosure; such a privacy does not make the entire Maih'r compulsory. If she gets divorce, she is entitled to half of the Maih'r. But if the Saum (fast) was not that of Ramadhan, rather it was a Saum of compensation or of 'Nafl' or 'Naz'r' (oblation) observed by anyone of the two and in such a state she remained in privacy with her husband, then she is entitled to get the whole of the 'Maih'r'. The husband will have the whole Maih'r due on him.

Rule: If the husband is impotent but the husband and wife remained in privacy with all its conditions then also she would

get the whole Maih'r. In the same way, if any eunuch performed matrimony but divorced after remaining together in privacy, then also the Maih'r becomes due and she is entitled to get it.

Rule: If the husband and wife pass time in privacy, but the girl is so minor that she is not fit for sexual intercourse or the boy is so minor that he can not commit sexual intercourse, then such a privacy does not make Maih'r compulsory.

Rule: If anyone performs Nikah (matrimony) against the rules and so the husband and wife had to be separated; for example, one performed Nikah (matrimony) without any knowledge of people or two witnesses or the two witnesses were deaf and hence they could not hear the words uttered during matrimony; or the husband had divorced her or had died and she performed another matrimony without completing the 'Iddat' (probationary period) or any such thing happened against rules and hence the two had to be separated without sexual intercourse committed by the husband, then she is entitled to no Maih'r at all. She will get no Maih'r even if she passed time with her husband in privacy fulfilling all conditions; then the wife is entitled to Maih'r-e-Mis'l (dower in force in the family). But if some Maih'r was settled at the time of matrimony and Maih'r-e-Mis'l is more than that, the Maih'r settled will be given and not the Maih'r-e-Mis'l.

Rule: If one commits sexual intercourse with a woman by mistake, thinking her to be his wife, then he has also to pay Maih'r-e-Mis'l. But such a sexual intercourse is not adultery and hence no sin for that. If, as a result of such a sexual intercourse, the woman becomes pregnant, then the family lineage will also not be affected and the child will not be treated as illegitimate. And when the person comes to know that the woman was not his wife, then she must remain aloof from her and now sexual intercourse with her is not permissible. Now it is necessary for the woman to wait for the 'Iddat' (probationary period); she, now, cannot have sexual intercourse with her husband without

completing her Iddat (probationary period). The description of Iddat (probationary period) will come later, Insha-Allah.

Rule: If the husband could not pay in advance the amount of Maih'r according to family custom, then the wife has a right to refuse sexual intercourse or if sexual intercourse has already been committed once, then also she has a right not to allow sexual intercourse a second or third time or refuse to go abroad without taking advance from Maih'r. In the same way, if the woman goes abroad with any close relative or from her husband's house to her paternal home, the husband has no right to prevent his from doing so. But when he pays in advance from Maih'r what is customarily due on him, then his wife cannot do anything or to go anywhere without his permission or the husband can take her to any place at his will, and refusal on her part is not proper.

ABOUT NIKAH (MATRIMONY) OF THE KAFIRS (NON-BELIEVERS)

Rule: If the woman adopts Islam but the man remained a non-believer, then the woman cannot marry another man unless she passes the whole period of three menses.

ABOUT PARITY AMONG WIVES

Rule: Parity in sexual intercourse is not essential. For example, if one commits sexual intercourse with one wife in her turn, it is not necessary that he must do so when the turn of another wife arrives.

ABOUT DIVORCE BEFORE ARRIVAL OF THE BRIDE AT THE BRIDEGROOM'S HOUSE

Rule: If the woman has not arrived at the house of her husband as a bride or arrival has taken place but they had not been together in the same type of privacy as has been mentioned in the chapter on Maih'r. So, if such a woman is divorced by his husband then it will be a Talaq-e-Bayyin (distinct divorce) whether it has been done in clear words or in ambiguous words; in every case it will be a 'distinct divorce' (Talaq-e-Bayyin).

And there is no Iddat (probationary period) for such a woman. She can marry any man after divorce; and the husband does not have a right to divorce a second time after once such a woman has been divorced. If such a divorce is given, then it is invalid. But, if at the very first time he says that he is giving divorce twice or thrice, then the same number of divorces will become valid. But after being divorced thrice at a time, they cannot marry each other once again without hala'la (marriage and sexual intercourse with another person). But, if he says that he is giving her Talaq! Talaq! (divorce ! divorce !); then also it will be counted as one Talaq (divorce). And, if after arrival at husband's house, she has sexual intercourse with her husband or had such a privacy with her husband as mentioned above, then all Talaqs (divorces)—from one to three—which have been given, will be taken as valid. Here the rule as applied is that in case of the word 'Talaq' (divorce) being said less than three times, one can return to such a woman without re-marriage. But after getting the Talaq (divorce) thrice at a time, the woman after being Mughalliza (severely divorced) will turn compulsorily out of marriage.

ABOUT PRONOUNCING THREE TALAQS (DIVORCES)

Rule: (After three Talaqs) if (a woman) wants to live with the same man and to remarry him, then there is only one way out, that is, first after marrying some other man, she should have sexual intercourse with him, and when that second man dies or pronounces Talaq, then after passing the Iddat (probationary period) she can marry the first husband. She cannot marry her first husband without having a second husband. If she marries another man, but he died before committing sexual intercourse or divorced before committing sexual intercourse, then that is not considerable; she can not remarry her first husband without having committed sexual intercourse with her second husband. Remarriage with the first

husband without it is not permissible—one should clearly note it.

Rule: If a woman is given in marriage to another man on condition that he (the second husband)will divorce her later on, then this confession or promise is not considerable. He (the second husband) has a right to leave her or keep her at his will; and to perform 'Nikah' with any promise is a sin and it is prohibited. Such a person invites curse from Allah; but if such a 'Nikah' is performed, then after this if the second husband leaves her after committing sexual intercourse or dies. then she will become valid for the first husband.

ABOUT TALAQ (DIVORCE) ON SOME CONDITIONS

Rule: If someone told his wife that if menses starts, she be divorced. After this he saw blood, then any decision will not be taken about Talaq, unless it bleeds for three days and nights. Only after the completion of three days and nights, it will be decided that the divorce is valid from the moment the menses started. But if someone had said that his wife be divorced at one menses, then the Talaq (divorce) will become valid after the completion of one menses.

ABOUT REJOINING (RAJAAT) IN REVOCABLE DIVORCE (TALAQ-E-RAJAIE)

Rule: One method of rejoining is also that one says nothing in words but commits sexual intercourse or kisses or embraces her with sexual passion. In all these state of affairs, she becomes his wife again and there is no need of re-marriage.

Rule: The woman who has menses, has three monthly courses as the period of her Iddat (probationary period). When the three monthly courses have passed, it means her Iddat (probationary period) has been complete. When this state of affair comes to light, then it is to be kept in mind that if the third monthly course has lasted for full three days, then period of Iddat is over with the completion of full ten days and the right of

the man of retain her will also cease to exist whether the woman has taken bath or not, because this is not considerable. If the third menses lasted for less than ten days and then stopped, but the woman has neither taken bath as yet nor any 'Salat' has become due on her, then the right of the man on her is yet intact. Even now she can be retained as wife, if he turns back from his resolve. But if she takes bath as the bleeding stops or does not take bath but the time of one obligatory 'Salat' is passed, that is one obligatory Salat becomes due on her, then the right of the man to retain her is forfeited. Now she can not be kept without Nikah.

Rule: The woman with whom sexual intercourse has not been done by her husband, in spite of privacy pronouncement of only one Talaq takes from him the right to retain her as wife, because this Talaq is a distinct (Bayyin) divorce. This rule has to be kept perfectly in mind.

Rule: If both (husband and wife) remained together in privacy, but the husband claims not to commit sexual intercourse and after this claim, divorced her, then he forfeits his right to turn back from divorce.

ABOUT TAKING OATH OF NOT GOING TO WIFE

Rule: One who vows and says that by Allah he will not commit sexual intercourse or says by Allah, he will never commit sexual intercourse with her or says that he vows that he will not commit sexual intercourse with her or says the same thing in any other way, then the rule is, that, if he does not commit sexual intercourse, then after the passage of four months, Talaq-e-Bayyin (distinct divorce) will become effective on the woman. Now they can not live like husband and wife without Nikah or remarriage. But if he breaks his oath before the expire of four months and committed sexual intercourse, then Talaq will not be effective, but he will have to pay expiation for breach of oath. Such an oath is called 'Eila' in 'Shari'ah'.

Rule: If one vows not for ever (for committing sexual intercourse with his wife) but only for four months and says that by Allah he will not commit sexual intercourse with her for four months, then the purpose of 'Eila' is served. The rule for this also is that if he commits no sexual intercourse for four months, then Talaq-e-Bayyin (distinctive divorce) becomes effective; and if he commits sexual intercourse before the expiry of four months, then he will have to pay expiation for that. The description of expiation for oath will come later.

Rule: If one vows for a period less than four months, then it is not considerable. If he vows even a day less than four months, then 'Eila' will not be effective. But, of course, if he commits sexual intercourse before the period for which the oath was taken, then he will have to pay expiation for breaching his oath; and if he has not committed sexual intercourse, then divorce will not become effective and his oath will also be fulfilled.

Rule: If one vows only for four months and then does not break his oath, then after the expiry of four months, divorce will become effective, and if after divorce, remarriage takes place with the same man, and after this Nikah (marriage) he does not commit sexual intercourse, then there is no harm and nothing will happen now. And if he vows for ever, as he says that by Allah he will not have sexual intercourse with her or says that by Allah he will never indulge in sexual intercourse with her, then did not break his oath, and divorce will become effective after four months. If he marries her for the third time, the same rule will apply. If he does not commit sexual intercourse even after this marriage, then the third divorce will become effective. Now remarriage is not permissible without her marriage with a second man. If he would have committed sexual intercourse after second or third divorce, then the oath had been broken and then divorce would have never been effective. Only expiation for the breach of oath would have to be paid.

Rule: Similarly, if during all the three 'Nikahs' one after another three Talaqs become effective, then if the woman marries another man and after being left by him, and having completed her Iddat (probationary period) she marries again her former husband and again he does not commit sexual intercourse, then a Talaq will not become effective; no matter how long he abstains from sexual intercourse. But whenever he commits sexual intercourse, he will have to pay expiation for his broken oath, because he had vowed that he would never indulge in sexual intercourse; and that oath is now broken.

Rule: If a man pronounces distinct divorce (Talaq-e-Bayyin) to his wife and then vows not to commit sexual intercourse with her, then 'Eila' does not become effective. Now if after remarriage, he abstains from sexual intercourse, then the 'Talaq' will not become effective. But whenever he commits sexual intercourse, he will have to pay expiation for the breach of oath. If after pronouncing Talaq-e-Rajaie (revocable divorce), he vows like that before the period of 'Iddat' (probationary period) is over, then 'Eila' becomes effective. If he now rejoins his wife but abstains from sexual intercourse, then after four months, Talaq will become effective; and if he commits sexual intercourse, then he will have to pay expiation for breach of oath.

Rule: If one does not swear by Allah but says that if he commits sexual intercourse with her, then she be divorced, then also 'Eila' becomes perfect. If he now commits sexual intercourse, then Talaq-e-Rajaie will become effective, but expiation for breach of oath will not have to be given. And if he abstains from sexual intercourse, then after four months, Talaq-e-Bayyin will become effective. If he says that in case of sexual intercourse, one Hajj (pilgrimage of Mecca) or one Saum (fast) or, alms of one rupee or one Qurbani (sacrifice of animals during Hajj) is due on him, then in all these conditions, 'Eila' becomes perfect. If he now commits sexual intercourse, then he

will have to fulfil his pronouncements, but will not have to pay expiation for that, and if he abstains from sexual intercourse then Talaq (divorce) becomes effective after four months.

ABOUT CALLING WIFE EQUIVALENT TO MOTHER

Rule: If someone said to his wife that she is equal to his mother or to him she is equal to mother or now she is to him like his mother, hen one should try to arrive at the meaning of these words. If these words carry the meaning that she is equal to his mother in esteem or age or appearance, then it is immaterial. Similarly, if he said all these things without any intention and uttered these words aimlessly, then also there is no harm. But if he meant divorce then one Talaq-e-Bayyin (distinct divorce) becomes effective. But if he meant neither divorce nor had the intention to leave his wife, but he simply meant that although she is his wife and he does not want separation from her, but from now on he will not commit sexual intercourse with her and make sexual intercourse prohibited for himself; and now her rights are reduced to food and clothe only; and in short, he does not want to divorce her, but thinks this act as prohibited, then in Shari'ah this act is called 'Zehar' (elevation of one's wife to the supposed status of one's mother or sister' etc.). In such a case, the religious injunction is that the woman will remain in his marriage, but unless the man pays expiation, he can neither commit sexual intercourse, nor can he embrace her with sexual passion, nor can kiss her. All such acts are prohibited for him. That woman will remain prohibited for him unless expiation is paid, no matter how many years are passed. When the man pays expiation, they can live as husband and wife. They need no re-marriage. The expiation for this is the same as for the breach of 'Saum'.

Rule: If the husband commits sexual intercourse with her before expiation is paid, then it is a major sin and he should repent and pray Allah for His Forgiveness and should now

resolve firmly not to indulge in sexual intercourse with her without paying expiation and the woman should not allow her husband to come near her unless expiation is paid.

Rule: The religious injunction is the same; if the husband said that his wife was equal to his sister or daughter or paternal aunt or any such woman with which marriage is forbidden for ever.

Rule: If the husband said that his wife was like a swine, then if he had an intent for divorce, then divorce became effective; but if he told this with the intent of 'Zehar', that is he had an intent not to divorce but only to make sexual intercourse forbidden for himself, then it is of no account. In the same way, if he had no intent for anything, then also it is immaterial.

Rule: If during 'Zehar', the husband abstained from sexual intercourse nor paid expiation, it would neither be divorce nor 'Eila'.

Rule: Unless the expiation is paid, he is not forbidden from looking or talking with his wife, but, of course, looking at the private parts is not permissible for the husband in such a case.

Rule: If 'Zehar' is not intended for ever, but it was for a specified period, say, for one year or four months, then Zehar will last for the specified period. If he wants to commit sexual intercourse within that period, he will have to pay expiation; but if he commits sexual intercourse after the prescribed period then he has to pay nothing and the woman will become lawful and valid.

Rule: In case of 'Zehar' also, if he hastily said : Insha-Allah (if Allah-willing) then nothing happened.

Rule: A minor or an insane person cannot exercise 'Zehar'. If such a person does so, it is immaterial. In the same way, if 'Zehar' is exercised for a woman who has not yet come into his marriage, then also it is of no account. Nikah (marriage) with such a woman is quite permissible.

Rule: If the words of 'Zehar' have been repeated several times; for example, he says twice or thrice that she is equal to his mother; then he will have to pay expiation for the number of times he said so. But if by uttering the words of 'Zehar' twice or thrice he just wanted to make it firm and no fresh 'Zehar' was intended, then only one Zehar is enough.

Rule: If the husband said so to several women, then he has to pay expiation for as many wives as he has with him.

Rule: If the word 'equal' or 'like' has not been spoken, but the man directly tells that 'she is his mother' or 'sister' then it is not immaterial. The woman does not become forbidden for him, but to utter such words is bad and sinful, In the same way it is also bad to address his wife as his sister, but saying so is quite immaterial.

Rule: If someone says that if he keeps her, then it is to keep his mother, or if he says that to commit sexual intercourse with her is to do so with his mother, then it is immaterial.

Rule: If someone tells his wife that she is forbidden for him like his mother, then if these words are uttered with the intention of divorce, then Talaq (divorce) will become effective or if this is said with the intention of 'Zehar' or with no intention at all, then 'Zehar' will become effective. Now it is the proper way to commit sexual intercourse after paying expiation.

ABOUT EXPIATION (KAFFARAH)

Rule: Expiation for 'Zehar' is the same as for breach of 'Saum' (fast). There is no difference at all. Such rules have been mentioned in the chapter 'About Saum'. Here we mention some things which could not be discussed here.

Rule: If the husband has the strength, he should keep sixty fasts (Saum) in succession without a gap, and should not commit sexual intercourse unless these 'Saums' are completed. If he commits sexual intercourse with the woman, then he will have to keep the same number of fasts again, whether sexual

intercourse with that woman has been committed during the day or night or intentionally or otherwise, the same rule will apply.

Rule: If one starts keeping fasts (Saum) from the first of the month, then he should keep fasts for the two successive (lunar) months or for full fifty days and whether the (lunar) month be of thirty days or be short by one day, in both ways recompensation would be met; and if the fasts have not been started from the first of the month, then he is bound to keep sixty successive fasts.

Rule: If sixty successive fasts are beyond the strength of the person, then he should give two meals to sixty Faqirs (poor-men) for sixty days or give foodgrains in the same quantity. If before completing the quota of feeding the Faqirs (poor-men) he commits sexual intercourse, then he committed sin no doubt but recompensation will not have to be repeated.

Rule: If one had two recompensations of 'Zehar' due on him and he gave four kg. of wheat to each of the sixty Faqirs and thought that he gave two kg. of wheat to each person for one 'Zehar' and hence both the recompensations are met, then also only one recompensation is met; he should have to give another recompensation again. But if one recompensation was for breach of Saum and another for Zehar; then both were met.

LE'AN (ALLEGATION OF ADULTERY)

Rule: If a husband accuses his wife of adultery or says about the new-born child to be not from him, then the religious injunction is that the woman accused should file a complaint with the Qazi (Judge) or any religious authority. Now the authority should call both of them and first ask the husband to say four times that by Allah, his allegation against his wife is quite true; and the fifth time he should say that Curse of Allah be upon him, if he is untrue. Then the accused (woman) should say four times that she says by making Allah witness that the allegation made against her (by her husband) is false; and the fifth time that if he (her husband) is true in his allegation, then

Curse of Allah be on her. When both of them take oath like that, the legal authority will order separation between them and Talaq-e-Bayyin (distinct divorce) will become effective. Now the child will not be treated as from the husband and will be given over to the woman. In 'Shari'ah', this mutual cursing by a couple in a law-court in a case of adultery is called Le'an (Slander).

ABOUT IDDAT (WIFE'S CONFINEMENT ON HUSBAND'S DEATH OR DIVORCE)

Rule: If a woman's husband divorces her or the marriage is revoked by 'Khula' (divorce obtained on wife's initiative) or Eila (to take oath not to go to wife) etc., or the husband dies, then in all such cases, the woman has to remain confined in a house for a specified period and before the end of this period she is not permitted to go outside nor can she marry any other man. She is at liberty to do anything only after this specified period is passed. This specified period is called Iddat.

Rule: If the husband divorces his wife, she should stay in the husband's house, where she has been divorced; for a period of three monthly courses. She must not go out of this house either in the day or night, nor marry any other person during this period. If, in such a state, three monthly courses are passed, then Iddat is complete. Now she can go anywhere at her will. The rule for one 'Talaq' by the husband or two or three Talaqs or Talaq-e-Bayyin or Talaq-e-Rajaie is the same.

Rule: The period of Iddat for divorce for a minor girl who has never seen menses or for so aged a woman who has now ceased to menstruate, is the same, and that is a period of three months. So, for a period of three months she must remain confined in the house, and after the expiry of this period she can do anything at her will.

Rule: If a girl has been divorced and she started her Iddat according to her monthly course, but during the very period of Iddat she has her menses, then she should have to remain confirmed for a period of three monthly courses. The period of

Iddat will not come to end without the period of three monthly courses being over.

Rule: A pregnant woman, if divorced, has to wait for the birth of the child and that is her Iddat. This period of Iddat is over with the birth of the child. If the child is born just after being divorced, then also her Iddat is over.

Rule: If a woman is divorced during her monthly course, then that monthly course will not be taken into account. So apart from that monthly course, three more monthly courses will be the period of her Iddat.

Rule: The Iddat of Talaq is to be observed by such a woman who has been divorced after sexual intercourse or if sexual intercourse has not been committed but the husband and wife have remained together in seclusion as a result of which 'Maih'r' becomes due or that privacy which does not make full amount of 'Maih'r' due. But the woman who has not been in privacy, if divorced, need not pass the days of Iddat, as has been mentioned above.

Rule: If one commits sexual intercourse with a woman other than his wife by mistake, then the woman has to observe Iddat. She must not allow her own husband to commit sexual intercourse with her without her Iddat being over, otherwise both of them would be guilty. Iddat for this also is the same as has been mentioned above. If the woman becomes pregnant with this sexual intercourse, then she should wait till the child is born and observe Iddat. Such a child is not illegitimate. His lineage is proper. The child will belong to the man who has committed sexual intercourse.

Rule: One who performs Nikah (marriage) against the rule; for example, if after Nikah one comes to know that the husband of that woman is yet alive, and has not divorced as yet, or came to know after Nikah that both the husband and wife are foster-brother and sister, then the rule is that if the man commits sexual intercourse with such a woman, and the truth came to

light later on, then the woman has to observe Iddat. And the Iddat started from the time the man repented and got separation from that woman. But if sexual intercourse had not been committed as yet, then Iddat is not yet essential; rather if one has been in perfect seclusion and privacy with such a woman, then also Iddat is not essential. Iddat is due only when sexual intercourse has been committed.

Rule: During Iddat, food and clothes are due on the person who has divorced the woman. A detailed description of the same will come later on.

Rule: If one gives Talaq-e-Bayyin (distinct divorce) or gives three Talaqs but commits sexual intercourse with the same woman by mistake, then on account of this mistake one more Iddat becomes essential. Now the woman has to complete three more monthly courses. When three monthly courses are passed, then both the Iddats are over.

Rule: If a man gives Talaq-e-Bayyin (distinct divorce) and he lives in the same house with the divorced woman, then a curtain must be raised between the two.

'IDDAT' CAUSED BY THE DEATH OF ONE'S HUSBAND

Rule: If the husband of a woman dies, then she has to observe Iddat for four months and ten days in the same house where she used to live with her husband and became widow. It is not permissible for her to go out. But if the widow is too poor to have means of livelihood at home and hence she has to work as a maidservant somewhere else, then she is allowed to go out, but should positively stay at home in the day. And the same rule will apply where they indeed had committed sexual intercourse or not, or whether she had privacy with her husband or not; and whether monthly course used to come or not. In every case she has to observe Iddat for four months and ten days. But if the woman was pregnant at the time of her husband's death, then she should observe Iddat till the child is born to her. If delivery

takes place even a few minutes after the death of the husband, then also her Iddat is over.

Rule: The widow is allowed to live in the entire portion of the house. The practice for the widow to remain confined to a fixed spot and not move from that place is meaningless and nonsense. This practice should be abandoned.

Rule: If the husband is an immature child but when he died, her wife was pregnant, then also her Iddat lasts till the birth of the child. But this child is illegitimate and hence it would not belong to the husband.

Rule: If the husband of a woman died on the first of the lunar month and the woman was not pregnant, then she should complete four months and ten days according to lunar month; and if he has not died on the first of the lunar month, then she should complete four months and ten days, counting every month of thirty days. The same rule applies in case of Iddat of Talaq as well. If the divorced woman is neither having menses nor she is pregnant and she is divorced on the first of the lunar month, then three lunar months should be completed, whether the moon is sighted on the 29th or 30th of the month. And if the divorce is not given on the first of the lunar month, then three lunar months should be completed counting every month as of thirty days.

Rule: If someone marries against rules, for example, she marries in the absence of witnesses or marries her brother-in-law in the presence of her sister still being in marriage (with the same person); then if her husband dies who was illegally married, she should not observe Iddat for four months and ten days; rather she should observe Iddat for three monthly courses only. If she does not have menses, then the period of Iddat is three months; and if pregnant, then it is till child-birth.

Rule: If one gives Talaq-e-Bayyin (distinct divorce) during his life-time, but he dies before the period of Iddat is complete, so one should see whether the period of Iddat for

divorce is more or the period of Iddat for death of the husband, and she should complete the longer one; and if he has given Talaq-e-Rajaie (revocable divorce) and the husband dies before the period of Iddat has passed, then Iddat for death will become effective on the woman.

Rule: If the wife is informed of the death of her husband after four months and ten days are passed, then her Iddat period has already been complete. She need not observe Iddat after getting information about the death of her husband. In the same way, if she is not informed of divorce by her husband, and she gets information about it after the Iddat period of divorce has already passed, then its Iddat period also becomes complete. Now to observe Iddat is not essential.

Rule: If a woman had gone out of her house on some business or to her neighbour's house, and her husband died during her absence, then she must hastily come back and stay in the same house where she became a widow.

Rule: During the Iddat for death of the husband, maintenance is not due on any other person, she will have to spend from her own sources.

Rule: It is a practice with some people that after the death of her husband, she must observe Iddat for a period of one year. This is quite prohibited.

ABOUT MAINTENANCE OF WIFE

Rule: If the wife is too minor to be able for sexual intercourse, and the husband can keep her in his house for looking after the household affairs, then her maintenance is binding on him; but if she is sent back to her paternal home, then he is not bound for her maintenance. In case the husband is minor and the wife is grown-up, then her maintenance will fall on the shoulders of the husband.

ABOUT RESIDENCE

Rule: If Nikah (marriage) has broken due to some undesirable acts of the wife; for example, if she establishes illicit

relation with her step-son or embraced him with sexual passion and nothing happened between the two or she turned infidel, and hence the husband divorced her or the marriage has broken because of her turning apostate, then in all such cases, the husband is not bound for her maintenance, but he has to provide a house for her. But in case she leaves the house of her husband, then the husband is not responsible for anything.

ABOUT LEGITIMACY OF THE ISSUES

Rule: If the husband is abroad and no information is reaching about him for a long time, nor he returned home and if in the meanwhile a child is born to the woman, then the child is not illegitimate, rather it is from that very husband. But if after being informed about the matter, he makes a refusal, then the rule of 'Lea'n' will apply.